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April 4, 2011

BY FAX AND FEDEX
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Hon. Victor Marrero, U.S.D.J.
United States Courthouse
Chambers Suite 660
500 Pearl St.
New York, NY 10007-1312

Re: The Louis Berger Group, Inc. v. State Bank of India
Docket No.: 1:11-CV-00410-VM

Dear Judge Marrero:

This office represents plaintiff, The Louis Berger Group, Inc. ("LBG"), in the above referenced action. This action involves a claim brought by LBG against State Bank of India New York (SBI-NY) alleging that SBI-NY wrongfully refused to pay upon an irrevocable standby letter of credit ("LC") after LBG presented a lawful and conforming demand for payment. The party who procured the LC, Progressive Constructions Limited ("PCL"), has filed a motion seeking to intervene in this action and to stay this action pending the arbitration of disputes arising out of the underlying construction contract for which the LC provides security. On March 7, 2011, the parties submitted a proposed briefing scheduling, which indicated:

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- (1) March 18, 2011 – Supporting papers in support of the Motion to Intervene and for a Stay shall be submitted.
- (2) April 1, 2011 – Opposition and Cross-Motions, if any, shall be filed.
- (3) April 15, 2011 – Replies, if any, shall be filed.

The Court granted the parties' proposed briefing schedule on March 7, 2011. [Docket #15]

On April 1, 2011, the deadline to file opposition to the Motion to Intervene, SBI-NY filed papers in support of the motion, effectively denying LBG the opportunity to respond. SBI-NY's filing violates the March 7, 2011 Scheduling Order made by the Court, which required SBI-NY to file papers in support of the motion by March 18, 2011. SBI-NY's violation of the Court's Scheduling Order prejudices LBG because LBG has no opportunity to address the arguments raised by SBI-NY. Therefore, LBG requests that SBI-NY's April 1, 2011 filing in support of the motion be stricken from the record. In the alternative, LBG requests that it be afforded the opportunity to file a response by April 15, 2011.

Respectfully,

Attorneys for Plaintiffs, The Louis Berger Group, Inc.:

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By: Andrew E. Anselmi, Esq. (AEA 1768)

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